

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MDL NO. 2738 (FLW)(LHG)
Civil Action No.: 3:17-cv-08286

**IN RE: JOHNSON & JOHNSON TALCUM POWDER)
PRODUCTS MARKETING, SALES PRACTICES,)
AND PRODUCTS LIABILITY LITIGATION)**

Kimberly Boykins,)
Plaintiff,)

v.)

Johnson & Johnson, *et al.*)

Defendants.)

UNOPPOSED MOTION FOR LEAVE TO AMEND SHORT FORM COMPLAINT

Pursuant to Federal Rules of Civil Procedure, Rule 15, Plaintiff states the following:

1. Kimberly Boykins (hereinafter “Decedent”) died on February 13, 2020. Plaintiff died from ovarian cancer.
2. Sierra Boykins is Decedent’s daughter.
3. Sierra Boykins was appointed as the Administrator of the Estate of Kimberly Boykins on October 1, 2020 in accordance with North Carolina G.S. 28A-6-1; 28A-6-3; 28A-11-1; and 36C-2-209. *See* Ex. A, copy of Letters of Administration.
4. Pursuant to Fed. R. Civ. P. Rule 15, a party may amend her pleading by leave of court and, “[t]he court should freely give leave when justice so requires.”
5. Plaintiff now requests leave to amend the Complaint to:
 - a. substitute the proper plaintiff name; and

- b. assert allegations under the North Carolina Survivor Statute, N.C. 28A-18-1, and the North Carolina Wrongful Death Statute, N.C. 28A-18-2, that relate to the same allegations and injuries alleged in the original Complaint.
6. The proposed Amended Complaint is attached hereto as Ex. B.
7. Plaintiff has communicated with Defendant Johnson & Johnson to seek its assent to this Motion. Defendant does not oppose the Motion.

Respectfully submitted,

/s/James D. Gotz
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Dated: October 21, 2020

CERTIFICATE OF SERVICE

I certify that on October 21, 2020, the foregoing was filed electronically and notice of the filing accordingly will be sent to all required parties by operation of the Court.

/s/James D. Gotz
James D. Gotz, Esq.